IN THE HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT CHANDIGARH

...

Civil Revision No.1552 of 2007(O&M)

Decided on : May 10, 2007

Suresh Walia ...Appellant

VERSUS

Kusum Walia and others ...Respondents

CORAM :
HON'BLR MR.JUSTICE A.N.JINDAL

Present: Mr.Suresh Goel, Advocate for the petitioner.

Mr.K.K.Jain, Advocate for the respondents.

A.N.JINDAL, J.-

The court of Additional District Judge, Patiala vide its order dated 1.2.2007 dismissed the application for summoning file No.91T/96 decided on 23.1.1990, containing an application and an affidavit.

It has been contended by the counsel for the petitioner (appellant before the Lower Appellate Court) (hereinafter referred to as `the petitioner') that the application and affidavit, contained in the file, sought to be summoned, were necessary for just decision of the case.

While dismissing the said application, the appellate court observed that the said application and affidavit had no relevancy for the disposal of the appeal or to solve legal controversy between the parties. In the absence of any specific application for additional evidence giving

essential reasons for summoning such evidence, the court has rightly rejected the application, which was, otherwise also, not maintainable. The lower appellate court has to decide the appeal on the basis of the re-appreciation of the evidence placed before it, unless it allows any other evidence to be brought on record by way of an application for additional evidence.

Consequently, finding no merit in the revision petition, the same is hereby dismissed in limine.

May 10, 2007 (A.N.JINDAL)
gian JUDGE

To be Referred to Reporter - **Yes/ No**